

# ACF

Administration  
for Children  
and Families

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Administration on Children, Youth and Families

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## INFORMATION MEMORANDUM

**TO:** State and Territorial Agencies Administering or Supervising the Administration of Title IV-B and Title IV-E of the Social Security Act, Indian Tribes and Indian Tribal Organizations

**SUBJECT:** NEW LEGISLATION—Public Law 107-133, The Promoting Safe and Stable Families Amendments of 2001

### LEGAL AND RELATED

**REFERENCES:** The Promoting Safe and Stable Families Program, Section 430 of Title IV-B of the Social Security Act (the Act) (42 U.S.C 629 et seq.); Section 474 of the Act; and, the John H. Chafee Foster Care Independence (Chafee) Program, Section 477 of the Act (42 U.S.C. 677 et seq.)

**PURPOSE:** The purpose of this Information Memorandum is to inform States and Indian Tribes of the passage of the Promoting Safe and Stable Families Amendments of 2001 and to provide basic information about the law.

**INFORMATION:** The President signed the Promoting Safe and Stable Families Amendments of 2001, Public Law 107-133 into law on January 17, 2002. The law reauthorizes and amends the Promoting Safe and Stable Families program. The law also creates authority for HHS to award competitive grants for programs to mentor children of incarcerated parents. Finally the law amends the Chafee program and provides new authority for education and training vouchers for youth who may age out of foster care.

### ***Promoting Safe and Stable Families Program***

The amendments reauthorize the Promoting Safe and Stable Families (PSSF) program with mandatory funding of \$305 million for Federal fiscal years (FY) 2002 through 2006. The existing set-asides for Indian Tribes (1 percent), the Court Improvement Program (\$10 million) and Federal research, evaluation and technical assistance (\$6 million), are continued as mandatory funding in the reauthorization.

In addition, the law authorizes discretionary funding of \$200 million for PSSF for FYs 2002 through 2006.<sup>1</sup> Out of any discretionary funding, the bill authorizes a 2 percent set-aside for Indian tribes, a 3.3 percent set-aside for evaluation, research and technical assistance and a 3.3 percent set-aside for the Court Improvement Program.

Allocations to the States, Indian tribes and Territories will be distributed according to the existing formulas.<sup>2</sup>

Other new provisions of title IV-B, subpart 2 include:

- An amendment to the definition of family preservation services to allow States to support infant safe haven programs (section 431(a)(1) of the Act). The law also amends the definition of family support services to include services to strengthen parental relationships and promote healthy marriages (section 431(a)(2) of the Act).<sup>3</sup> Although States could always use PSSF funds for these services, the amendment clarifies the flexibility to do so.
- The ability for the Secretary to reallocate unneeded portions of State allocations to other States, so that the total appropriation remains available for program purposes (section 433(d) of the Act).
- The transfer of the Court Improvement program authority to a new section 438 of the Act. The law also expands the scope of the program to include improvements that the highest courts deem necessary to: 1) provide for the safety, well-being, and permanence of children in foster care, as set forth in the Adoption and Safe Families Act of 1997 (Public Law 105-89); and, 2) to implement a corrective action plan, as necessary, resulting from a Child and Family Service Review.

### ***Mentoring Children of Incarcerated Parents:***

Title I, Subtitle B, Section 121, entitled "Grants for Programs for Mentoring Children of Prisoners," amends subpart 2 of Title IV-B. Under a new section 439 of the Act, the law authorizes \$67 million for FYs 2002 and 2003<sup>4</sup> (and amounts as necessary for fiscal years 2004 through 2006) for competitive grants to establish and/or expand mentoring programs for children

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<sup>1</sup> Congress appropriated a total of \$375 million for PSSF in FY 2002, including \$70 million in discretionary funding (see Public Law 107-116).

<sup>2</sup> Allotment formulas can be found in sections 433 and 437(c) of the Act. The amendments made a technical change to the law to remove the "special rule" that applied to PSSF grants to States for FFY 1994. Program instructions will continue to notify States, Indian Tribes and the Territories of their grant amounts under the PSSF program.

<sup>3</sup> Attachment C includes information on the Department of Health and Human Services' initiative to promote healthy marriages and responsible fatherhood.

<sup>4</sup> Congress did not appropriate any funds for Mentoring Children of Prisoners in FY 2002.

whose parent(s) are incarcerated. Grants are to be made to State, local or Tribal governments, Tribal consortia, faith-based organizations or community-based organizations that operate in areas that have significant numbers of children of imprisoned parents and may not exceed \$5 million.

***Educational and Training Vouchers for Youths Aging Out of Foster Care:***

Title II, Section 201, entitled “Educational and Training Vouchers for Youths Aging Out of Foster Care,” amends Section 477 of Title IV-E of the Act. In addition to the existing authorization of \$140 million for the Chafee program, the law authorizes \$60 million<sup>5</sup> for payments to States for educational and training vouchers for certain youth.

To receive funds, a State must certify that the State’s program for education and training vouchers is in compliance with the following conditions:

- may be available to: 1) youth who otherwise are eligible for services under the State’s Chafee program; 2) youth who are adopted from foster care after age 16; and 3) youth up to the age of 23, as long as they are participating in the program at age 21 and are making satisfactory progress in completing their course of study or training.
- may be used towards the cost of attending an institution of higher education (as defined in section 472 of the Higher Education Act) up to \$5,000 per year, or the total cost of attendance at the institution.
- may be disregarded for the purposes of determining a youth’s eligibility for any other Federal assistance program; and
- are coordinated with other appropriate education and training programs.

A State must also include a statement describing methods the State will use to:

- ensure that the total amount of educational assistance to a youth under this and any other Federal assistance program does not exceed the total cost of attendance; and
- avoid duplication of benefits under this and any other Federal assistance program.<sup>6</sup>

The law also amends the Chafee program to allow the Secretary to reallocate any funds for which States do not apply to other States (section 477(d)(4) of the Act). In addition, the law provides a temporary extension in FY 2000 Chafee funds that allows States to expend the funds through fiscal year 2002 (section 202(b) of Public Law 107-133).

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<sup>5</sup> Congress did not appropriate any funds for Educational and Training Vouchers for Youths Aging Out of Foster Care for FY 2002.

<sup>6</sup> See sections 477(b)(3)(J) and section 477(i) of the Act.

**EFFECTIVE DATE:** In general, the law is effective upon enactment, January 17, 2002.

**INQUIRIES TO:** Regional Administrators, ACF Regions I-X

/s/

Joan E. Ohl  
Commissioner  
Administration on Children, Youth  
and Families

**Attachments:**

[Attachment A](#) – Public Law 107-133, the Promoting Safe and Stable Families Amendments of 2001.

[Attachment B](#) – Section-by-Section Summary of the Promoting Safe and Stable Families Amendments of 2001.

[Attachment C](#) – HHS' Responsible Fatherhood and Healthy Marriage Initiative